

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CARL G. SIMPSON AND BONNIE REED)
SIMPSON, CO-ADMINISTRATORS OF)
THE ESTATE OF CARL D. SIMPSON,)
Plaintiffs,)
vs.) Case No. C-1-00-0014
INTERMET CORPORATION, et al.,)
Defendants.)

THE DEPOSITION OF JOHN ALLREAD,

produced, sworn, and examined on Tuesday, November 6,
2001, at 10:00 in the morning of that day, pursuant to
Federal Rules of Civil Procedure, Subpoena, and Notice to
Take Deposition at the offices of Court Reporting
Advantage, 2042-A South Brentwood, in the City of
Springfield, County of Greene, State of Missouri, before
Christine Richele, Certified Shorthand Reporter,
Registered Professional Reporter, Certified Court Reporter
#385, and Notary Public, in a certain cause now pending in
the United States District Court, for the Southern
District of Ohio, Western Division, wherein the parties
are as above set forth; taken on behalf of Defendant Hayes
Lemmerz International - Equipment & Engineering, Inc.

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* * *

EXHIBITS previously marked and referenced herein

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(Original exhibits retained by the witness.)

* * *

Phonetic spelling: (ph.)
Exactly as stated: (sic)

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A P P E A R A N C E S

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Also Present: Mr. Kenneth McKibben
Corporate Equipment Engineer
Hayes Lemmerz International

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JOHN ALLREAD,

being first duly sworn to testify the truth, the whole
truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MS. BRIDE:

Q Good morning, Mr. Allread. My name is Nancy Bride,
and I'm from Greenebaum, Doll & McDonald. I represent
a company called Hayes Lemmerz in this present
litigation, "Simpson v. Intermet, et al." Could you
please state your full name and address for the
record.

A My name is John Allread. The address 2333 West
Dearborn Street, Springfield, Missouri 65807.

Q Where are you currently employed?

A Well, self-employed, I guess you'd say.

Q How long have you been self-employed for?

A Since about a year and a half now, year.

Q What is the nature of your self-employment?

A Development, residential development.

Q And is that what you've been doing for the last year
and a half?

A Um-hmm.

Q Just so the court reporter can make an accurate
record, if you could just say "yes" or "no" on the
record instead of --

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1 A About two or three steps is all, or two steps, yeah.
2 Q -- around to the side or back of the machine, activate
3 the hydraulic solenoid valve. This would strip the
4 cope up, again, locking it to the gas head. Are you
5 familiar with that process?
6 A No. But I -- what I remember is that he hit a button.
7 He didn't have to -- you know, he didn't actually --
8 are you talking, when he says a solenoid, he uses a
9 piece of welding wire to, you know --
10 Q Yes.
11 A I don't think so. I don't remember that. I wouldn't
12 be part of something like that. No. Not to have to
13 do it that way.
14 Q Would it have been capable or would it have been
15 within Internet's maintenance capabilities to put that
16 hydraulic, a manual solenoid valve in any location
17 around the Sutter or around the control panel? They
18 wouldn't necessarily have to put it on the back side
19 where the operator would have to leave his station,
20 would they?
21 A We would have that capability, yes.
22 Q Do you know, as we sit here today, what I'm talking
23 about, as I mentioned it?
24 A I don't ever remember the operator ever having to go
25 in the back of the machine to do what you're

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1 describing. He could do everything from that panel
2 right there. (Pointing at documentation.)
3 Q Let me ask you to assume that this is the case: That
4 when the cope is lowered from the gas head and
5 stickers are to be removed from the top of the cope,
6 that to activate or to strip the cope back up to the
7 gas head, I want to ask you to assume that the
8 operator has to leave the operator station, go to the
9 front side, what the employees call the front side of
10 the Sutter machine, activate a hydraulic solenoid
11 valve to raise the cope up. I'm going to ask you to
12 further assume that from the point of that activation
13 of that hydraulic valve, visibility from the operator
14 to the helper is very limited. Now, I'll ask you,
15 based on those assumptions, is that a situation which
16 you would approve as far as the operation of this
17 Sutter machine?
18 MS. PRYOR: Objection.
19 You can go ahead and answer.
20 THE WITNESS: I know where he's leading me, you
21 know, but the -- the point here is that --
22 MS. BRIDE: Now he's leading you.
23 THE WITNESS: Yeah, exactly. It's like the
24 management business about, you know, condoning it.
25 A First of all, you know, I've watched the operation

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1 many times. I don't ever remember seeing it that way,
2 okay? Second of all, between what you call the helper
3 and the machine operator, there is not a limited --
4 you know what I mean? As I remember, there was --
5 there was no problem being able to see. And so I
6 guess what's really happened here is that the guy got
7 himself in a position, and the helper hit a button or
8 something he shouldn't have done, you know. That's
9 what you're basically saying. I don't think that
10 could happen that way.
11 Q (By Mr. Bowling) Okay. You don't think it can
12 happen. But what I'm asking you to is respond to my
13 question based on my assumptions. If my assumptions
14 aren't true, my question's no good, okay?
15 So based on the assumptions that I've asked you to
16 accept -- I'll get it sooner or later --
17 MR. McKIBBEN: I'm going to help you.
18 THE WITNESS: He's going to help. You are from
19 Ironton. I can tell.
20 MR. BOWLING: Thank you very much.
21 A I --
22 Q (By Mr. Bowling) My question is being premised on my
23 assumptions, and I'm asking you to assume that for the
24 purposes of stripping the cope back up against the gas
25 head, that the operator would have to leave that

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1 operator's control panel, walk to the side or the
2 front of the machine, and activate the hydraulic valve
3 manually with a -- what they use as a fire
4 extinguisher pin or a grenade pin, as it's being
5 called, and that further, that the visibility, between
6 that point of operation and the machine to where the
7 helper is standing, is limited. Would that be a
8 situation to which you would approve --
9 A No, I would not approve of that.
10 Q You would -- would it be more reasonable to have that
11 manual activation of that valve in a point either near
12 or at the control panels?
13 A Yes. But, it's a -- it's a basic, intimate
14 responsibility to make sure that happens, okay?
15 Not -- and that's why I get offended, because I don't
16 think that I would have allowed something like that.
17 And maybe I didn't back then. I don't know what's
18 happened from the time I left.
19 Q When we're talking about the location of these locks
20 and the location of various tagout portions --
21 MR. BOWLING: It's getting really hot in here.
22 THE WITNESS: It is. It truly is.
23 MR. BOWLING: You don't have to take that down.
24 (Pause in proceedings.)
25 THE WITNESS: On the record, I'm about to make

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1 a statement.
 2 MR. BOWLING: Okay. Make your statement.
 3 A Here's the deal. Any employees that I ever talked to,
 4 okay, meaning all the way for the last 30 years -- and
 5 I tried to get this philosophy across to everybody,
 6 and I'll get it across to you guys. Okay? You never
 7 push a button unless you know what's going to happen
 8 on the other end of it. Never. Because you may have
 9 somebody's life involved. Now, I'm sure that this
 10 helper was told that. Whether he remembers it or not,
 11 I'm sure he was told it. Don't mash the button unless
 12 you know what's going to happen.
 13 The most scary thing that ever happened to me 30
 14 years ago is I energized a fan from down on the first
 15 floor, Central Foundry, Defiance, up on the roof. And
 16 then as I hit the button, I thought to myself, My God,
 17 what happens if the two millwrights I sent up there
 18 are working on this thing? Never, ever again did that
 19 ever happen. And I was able to convey that philosophy
 20 across to everybody. Never touch the button unless
 21 you know what's going to happen on the other end of
 22 that.
 23 Q (By Mr. Bowling) And with part of that philosophy and
 24 the operation of the Sutter machines that we've been
 25 talking about today, it would make very much sense,

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1 then, would it not, to have the hydraulic manual valve
 2 in a location where the operator can easily see his
 3 helper?
 4 A And I've taken a position, a point to you is that that
 5 operator should never hit, no matter where it's
 6 located, if it's located in this room and Ironton is
 7 500 miles from here, don't hit the button unless you
 8 know what's going to happen.
 9 Q The point being, would you agree with my question?
 10 A No, I don't necessarily agree with it, because in all
 11 cases you can't locate something, you know, where you
 12 think it should be located.
 13 Q But in this case, do you believe Ironton Iron's
 14 maintenance department had the abilities to locate
 15 that manual hydraulic valve in any location?
 16 MS. PRYOR: Objection.
 17 A Yeah, I'd have to go look for myself. I don't know
 18 that for sure. You know, I can't remember.
 19 Q (By Mr. Bowling) But as part of the installation of
 20 the machines, the Sutter machines that we're talking
 21 about, there was a concerted effort, not only on your
 22 part but with the employees, maintenance, everyone
 23 affected with the location, there was a great effort
 24 made in locating or choosing a location --
 25 A Attempting to, yes.

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1 MR. BOWLING: I think that's all I have for
 2 now. We want to play musical chairs again.
 3 EXAMINATION
 4 BY MR. FLAUGHER:
 5 Q Mr. Allread, you've been very patient today, and we
 6 appreciate your patience in the face of a very hot
 7 room filled with lawyer types. My name is Rob
 8 Flaughner. I introduced myself to you earlier. I
 9 represent a company called Georg Fischer Disa, who, I
 10 think you've indicated earlier, you're familiar with;
 11 is that right?
 12 A Yes.
 13 Q I'm going to go back through just a couple of things
 14 that you talked about earlier to expand on it somewhat
 15 so that I've got a full understanding. Earlier in
 16 your testimony, you indicated that before you started
 17 your consulting busi -- or before you started your
 18 residential development business, you did one year of
 19 consulting, and I thought you said with Georg Fischer.
 20 Is that the Georg Fischer Disa that I'm here today
 21 representing; do you recall?
 22 A It is Georg Fischer, but the parent company. It would
 23 be the boss of your boss. They're located -- see,
 24 Georg Fischer is a corporation that's approximately a
 25 three-billion-dollar-a-year corporation made up of six

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1 divisions, one of which is equipment supply division.
 2 Makes the Disamatic, horizontal, makes blast equipment
 3 and so on and so on. They are located in
 4 Schaffhausen, Switzerland.
 5 Q Now, what was the nature of your consultation work for
 6 them?
 7 A They decided they wanted to build a foundry, an
 8 aluminum permanent mold foundry in the United States,
 9 and they were looking not only for a location, but
 10 they felt they had a contract, strangely enough, on
 11 the F150 aluminum -- it's a casting that took the
 12 place of the "I" beam, which became a ductal iron
 13 casting, which then they wanted it put into aluminum.
 14 So we did a lot of preliminary work. I went over to
 15 Austria, where they have a duplicate of this foundry,
 16 familiarized myself with it. Then came over here and
 17 priced out a lot of equipment to build the foundry
 18 either in Battle Creek, Michigan, or in Kalamazoo,
 19 Michigan, or someplace close to Columbus, Ohio.
 20 Q Who did you report to in your consultation work with
 21 them?
 22 A A gentleman by the name of Dr. Klaus Horning.
 23 Q Is he in the States or is he in Switzerland?
 24 A He was the head of all of the aluminum operations for
 25 Disamatic -- I mean for Fischer, and also was the head

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